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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,955	10/04/2004	Yukihiko Minamida	80653(47762)	7477
21874	7590	07/09/2008		
EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER	
			AFTERGUT, JEFF H	
			ART UNIT	PAPER NUMBER
			1791	
			NOTIFICATION DATE	DELIVERY MODE
			07/09/2008 ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@capdlaw.com

Office Action Summary

Application No.

10/508,955

Applicant(s)

MINAMIDA ET AL.

Examiner

Jeff H. Aftergut

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 10-12, 15, 16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-12, 15, 16, 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 4/1, 4/2, and 4/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Nichol and Nagata et al for the same reasons as expressed in paragraph 2 of the Office action dated 1-22-08.
3. Claims 1-3, 4/1, 4/2, 4/3, 10-12, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with Soviet Union Patent 1074719 (newly cited) and optionally further taken with Japanese Patent 2-60674 (newly cited).

The reference to the admitted prior art clearly expressed that it was known at the time the invention was made to employ a roller coating arrangement to apply a coating of a hot melt material upon a wooden substrate wherein the coating system included a roller coater as well as a roller for metering the coating upon the substrate. The reference to the admitted prior art does not specify that the coating was applied from above the substrate, however in order for the coating to be self leveling, one skilled in the art would have understood that the coating must have been applied on the upper surface of the board for there to be any self leveling effects. To further evidence that one skilled in the art was well aware of coating a board over the upper surface with a roller which included a metering roller as well as a pool of adhesive disposed between

the metering roller and the coating roller, the reference to Soviet Union Patent '719 is cited.

Soviet Union '719 suggested that those skilled in the art knew to coat the upper surface of a wooden board with adhesive with a roller 4 where the roller 4 was associated with a metering roller 5 for regulating the amount of adhesive from pool 7 which is applied to the board as the board was passed through the coating mechanism. The reference made it clear that those versed in the art of coating a wooden board with an adhesive would have performed such an operation with a roller coating mechanism which was disposed above the wooden substrate and which included a metering roller associated with the coating roller as well as a pool of adhesive (provided between the rollers with the assist of dams 6). The reference to Soviet Union '719 does not expressly state that it coats the entirety of the upper surface, however the purpose of the adhesive coating was to provide for plywood production and one skilled in the art therein would have expected that the entirety of the surface would have been coated with the adhesive thereon. Additionally, note that the coating roller does not appear to have any grooves or recesses therein and the roller appears to extend over the entire surface of the wooden board being coated (with the pool of adhesive in contact with the entire surface of the roller) and thus it appears the entirety of the board is coated with the adhesive material. It would have been obvious to one of ordinary skill in the art to utilize the conventional coating techniques of the admitted prior art which included a roller coater and a metering roller which defined a pool of adhesive which dispensed the adhesive upon a wooden board wherein the upper surface of the board was coated with

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the adhesive material from above the board as suggested by Soviet Union Patent 1074719 when applying the hot melt glue to the wooden boards as defined above in paragraph 2.

It should be noted regarding the newly presented claims: (1) that the admitted prior art suggested that it was known to apply decorative paper or films to the adhesive coated wooden substrates to make various furnishings and interior materials (note that architectural materials as defined in applicant's specification appears to be nothing more than decorative panels used as interior furnishings, see page 8 of the specification: "suitable for architectural materials such as decorative panels, particularly for interior furnishings"), and; (2) that the substrate in Soviet Union Patent '719 is clearly horizontally disposed during the coating operation therein. Regarding the previously presented dependent claims, it should be noted that the use of plural coating devices was taken as conventional in the art as a function of the desired thickness of the adhesive coating one wished to achieve and applicant did not traverse this Official notice. Applicant is referred to the previous Office actions for a complete discussion of the dependent claims.

While it appears that the entire surface of the wooden substrate was coated with adhesive with the coating device from above the surface with the roller 4 in Soviet Union Patent '719 as discussed above, the reference did not expressly state that the surface of the substrate was completely covered with adhesive (as noted above it would appear that this would have to have been the case based upon the depicted structure of the coating apparatus). To further evidence that the roller coater of the same type as Soviet

Union '719 having a metering roller disposed there against and a pool of adhesive between the metering roller and the coating roller would have completely coated the surface of the wooden substrate, the reference to Japanese Patent '674 is cited. Japanese Patent '674 taught that one skilled in the art would have completely coated the surface of the wooden substrate with a roller coater and metering roller and a pool of adhesive disposed there between as depicted in Figure 3(a) and as described in the abstract of disclosure. Clearly, one skilled in the art at the time the invention was made would have readily understood that the coating device of Soviet Union '719 was designed to coat the entirety of the wooden surface as evidenced by Japanese Patent "674. It would have been obvious to one of ordinary skill in the art of coating a wooden substrate with a roller coater which included a metering roller and a pool of adhesive from which the adhesive was coated that the entire upper surface of the substrate would have been coated as evidenced by Japanese Patent 2-60674 when using the coating system of the admitted prior art and Soviet Union 1074719 to coat the upper surface of a wooden substrate when applying an adhesive coating to the same prior to application of a decorative covering to the wooden substrate as taught above in paragraph 2.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 4/1, 4/2, 4/3, 10-12 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that the prior art failed to teach that one skilled in the art would have coated the wooden substrate with the hot melt adhesive from above the substrate with a roller coater and metering roller arrangement wherein the

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entire upper surface of the wooden substrate was coated with the adhesive material. The applicant is advised that the references to Soviet Union '719 and Japanese Patent '674 clearly suggested coating the wooden substrate in the claimed manner and additionally provide evidence that those skilled in the art reading the background of the invention would have understood that the self leveling effects referred to as well as the roller coater and metering roller arrangement referred to would have been from above the substrate to coat the upper surface of the wooden substrate.

It should be noted that claims 4/1, 4/2, and 4/3 relate solely to the product and the specific manner in which the product was manufactured (coated) is of little patentable import. It should be noted that applicant addressed the rejection of these claims as if the processing performed mattered, however this is not the case as the identified references clearly taught providing the specified hot melt adhesive upon a wooden substrate (where one used a roller coater and wherein one varied the speed of the substrate or the speed of the coating roller to apply the coating). Applicant is advised that the arguments relating to coating from above the substrate on the upper surface of the wooden substrate and even the use of a roller to apply the coating are immaterial to the identified product claims and have not been found to be persuasive.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/
Primary Examiner
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JHA
July 1, 2008